

14-45. Brownfields Revitalization Funding

1. AUTHORITY. To exercise the Agency's authority pursuant to Sections 101(39) and 104(k) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), as amended, and Executive Order 13308.
  - a. To make determinations and take other actions necessary to approve grants:
    - 1) To eligible entities for programs to inventory, characterize, assess, and conduct planning related to one or more brownfield sites;
    - 2) To eligible entities for capitalization of brownfield remediation revolving loan funds;
    - 3) To eligible entities and non-profit organizations for remediation of one or more brownfield sites; and
    - 4) To eligible entities and non-profit organizations to provide training, research and technical assistance to individuals and organizations to facilitate the inventory of brownfield sites, site assessments, remediation of brownfield sites, community involvement or site preparation.
2. TO WHOM DELEGATED. The authorities in paragraph 1.a. to approve grants and all remaining authorities to make determinations and take other actions necessary to approve grants, are delegated to the Director, Superfund Division. The authorities in paragraph 1.a. to make determinations and other actions necessary to approve grants, except for the authority to approve grants, are also delegated to the Chief, Revitalization, Documents and Agreements Branch.
3. LIMITATIONS.
  - a. The authority in paragraph 1.a. to approve grants can only be exercised with the prior concurrence of the Assistant Administrator for the Office of Solid Waste and Emergency Response (AA/OSWER) or designee. This limitation does not restrict the authority of Regional Administrators provided under EPA Delegation 1-14 to execute and administer grants approved by the AA/OSWER.

COMPREHENSIVE ENVIRONMENTAL RESPONSE,  
COMPENSATION, AND LIABILITY ACT OF 1980DELEGATIONS14-45. Brownfields Revitalization Funding (cont'd)

- sec AA  
memos  
dated 10/28/03,  
8/31/04
- b. The authority to make determinations under subparagraphs 1.a.1), 2), or 3) regarding the eligibility of entities can only be exercised in consultation with the Assistant Administrator for Enforcement and Compliance Assurance (AA/OECA) or his/her designee.
  - c. The authority to make determinations regarding the eligibility of brownfield sites can only be exercised in consultation with the AA/OECA or his/her designee.
  - d. These authorities shall be exercised subject to approved funding levels.
4. REDELEGATION AUTHORITY. The authorities contained in paragraph 1.a. to make determinations and take other actions necessary to approve grants, except for the authority to approve grants, may be re-delegated by the Superfund Division Director to the Branch Chief level and no lower.
5. ADDITIONAL REFERENCES.
- a. The Federal Grant and Cooperative Agreement Act of 1997, 31 U.S.C. Sections 6301, et seq.
  - b. EPA Order 5700.1, "*Policy for Distinguishing Between Assistance and Acquisition*".
  - c. 40 CFR Part 30, "Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations."
  - d. 40 CFR Part 31, "Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments".
  - e. EPA Delegation 1-14, "Assistance Agreements".
  - f. EPA Delegation 14-45, "Brownfields Revitalization Funding".
  - g. Executive Order 13308, June 20, 2003.